

MAIL STOP RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF: DIANE M. ARTMAN, ET AL.

DOCKET No.: 3226-01

CUSTOMER NUMBER: 26645

SERIAL No.: 10/554,481

EXAMINER: T. OLADAPO

FILED: OCTOBER 24, 2005

GROUP ART UNIT: 1797

TITLE: DIESEL LUBRICANT LOW IN SULFUR AND PHOSPHORUS

Wickliffe, Ohio

Dated: January 7, 2011

Mail Stop RCE
Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. 1.114

The Undersigned hereby requests that Examination of the above case (after final rejection) be continued under the provisions of 37 C.F.R. 1.114.

PAYMENT OF FEE UNDER 37 C.F.R. 1.17 (E)

Please charge the required fee for continued examination, which is believed to be \$810.00, to Deposit Account No. 12-2275 (The Lubrizol Corporation)

PETITION FOR EXTENSION OF TIME

The Undersigned hereby petitions for an extension of the time to reply to the outstanding office action dated 9/17/10 for 1 month from the original due date of 12/17/10 to an extended date of 1/17/11. Please charge the fee of \$130.00 to deposit account 12-2275 (The Lubrizol Corporation).

REQUEST FOR SUSPENSION OF ACTION – 37 CFR 1.103(c)

(text continued on next page)

I hereby certify that this correspondence is being filed electronically via the USPTO EFS with the Commissioner for Patents, United States Patent & Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

January 17, 2011
Date of Deposit

/Nancy S. Dedek /
Deposited by: Nancy S. Dedek

REQUEST FOR SUSPENSION OF ACTION – 37 CFR 1.103(C)

The Undersigned requests that the Office suspend action on the above Application for a period of three months. During this time a supplemental reply may be submitted. Please charge the Fee under 37 CFR 1.17(i), believed to be \$130.00, to deposit account 12-2275 (The Lubrizol Corporation).

AMENDMENT

Please enter the amendments as shown on the following pages.

REMARKS

In the Advisory Action dated 12/01/2010, the Examiner indicated that the claims remain rejected as obvious over Nakazato because the data provided, showing unexpected performance improvement, was not commensurate in scope with the breadth of the claims.

The claims are now amended to indicate that one of the major components, the nitrogen-containing dispersant (c), is a succinimide dispersant, and that its amount is about 2 to about 8 weight percent. It is noted that the nitrogen-containing dispersant tested in the Declaration of Mrs. Carrick was in fact a succinimide dispersant, and its amount was 4.9% (7% x 70% active chemical). Also, in Example 1 in the specification, the dispersant was one or more succinimide dispersants, and their amount was 3.6% on an active chemical basis. It is submitted that these disclosures are reasonably commensurate in scope with the now claimed “succinimide dispersant” and the range of 2 to 8%.

Any required fees or any deficiency or overpayment in fees should be charged or credited to deposit account 12-2275 (The Lubrizol Corporation).

Respectfully submitted,

/ David M. Shold # 31664 /

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